Dr Helen Tsigounis
c/- Holy Trinity Church
21 L. Mavili Street,
Corfu
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25 Sept 2013

Delivered by Hand by Dr R Broadbent

The Honourable Paul de Jersey, AC
Chief Justice
Supreme Court of Queensland
Brisbane

Dear Chief Justice,

Notification about alleged Judicial administrative misfeasance

I wish to bring this case, (Dr Helen Tsigounis v Medical Board of Queensland (MBQ) to your Honour's attention with the hope that justice is finally upheld. It reveals MBQ, legal and Judicial corruption (as defined by Australian Law), and departure from the rule of law.

Presently, I possess unconditional Full Registration in Greece (and therefore, by law, in the EU) and work when able, as a locum General Practitioner in Greece. I cannot return to practice as a doctor in Australia where I was born, raised and professionally trained because of the matter notified.

My case is a complex one for various reasons and I beg your Honour's indulgence and patience in understanding the convoluted ramifications and their overlap with administrative issues and to consider applying an inquisitorial rather than an adversarial approach to my matter.

The basis of this complaint was a redirection for judicial scrutiny under the Public Interest Disclosure Act 2010, in response to the Health Minister's bold announcements on policy reforms with matters concerning the Medical Board functions. Permission has been obtained from Parliament to disclose this to your Honour [Annexure 1].

I have alleged irregularities with the conduct of the MBQ and with alleged Judicial misfeasance, ordinarily defined in law as "corrupt conduct" related to matters, for example, under the Criminal Code 1899 and the Crimes Act 1904 (Cth)

By this, I mean alleged serial judicial error relying on alleged mis/malfeasance leading to the miscarriage of justice, initially overlooked by the Crime and

Misconduct Commission (CMC) for various reasons including jurisdictional ones.

In the Appendix is a chronology of relevant events.
The Annexures hold greater detail of points.

I would first like to alert your Honour to a private publication (also formally submitted with the relevant parts), 'The Red Back Web' ISBN: 978-960-93-2463-2 (the book) which I have made numerous references to.

It comprehensively sets out the court evidence and other documents in relation to my matter.

It is technically a legal document by virtue of its recent submission to State Parliament.

Summary of Key Points.

1. In essence this case stemmed from a decision by the Queensland Medical Board to bar me from the medical profession.

   The key root cause events have never been independently highlighted until recently when whistle blower Jo Barber (ex MBQ investigator) sent an email to Dr Leong Ng who was researching Queensland Medical Board dysfunction and subsequent injustices including my case. [Annexure 2].

2. This root cause being MBQ corruption, in my view, contaminated all legalities which flowed (cf the Wednesbury case in [1947] EWCA Civ)
   The QMB followed a corrupted process

   The primary points are:

   i. The MBQ falsely accused me of not having completed the appropriate internship time in Surgery, that being 10 weeks according to the legislation. It is clear that I had worked 10 weeks in Surgery from the evidence. And further I worked over 14 weeks in Emergency Medicine that traditionally and at that time counted as a surgical rotation. Thus, this criterion was fulfilled, contrary to the MBQ claims.

      After challenging the time issue, the MBQ then invented complaints, not from patients but as comments from co-workers whom they had solicited and considered those ahead of those of my supervisors and mentors.

ii. The MBQ failed to follow the correct procedure and firstly investigate the allegations against me. The Investigation of complaints in relation to patients requires the patients to be identified and the records produced - which the MBQ did not do. The MBQ needed to show my conduct had harmed or had potential to harm to patients, which they did not. This reveals failure by the MBQ to exercise its powers under s93 of the Medical Practitioners Registration Act so as to test the allegations.

The MBQ did not investigate the patient complaints because there were none - the MBQ had invented them.

The MBQ's case against me as relayed in a Show Cause Notice dated 11th June 2003 revealed fraud and a malicious intent by the MBQ. (pp 245-250 of book)

The most serious of the complaints against me as stated by the MBQ was the "meningitis patient"

The MBQ stated the ***following***

"Dr Tsigounis saw a patient with meningitis in the Emergency Department. A lumbar puncture was performed; the patient was given a stat dose of Antibiotic and sent home. The patient was later recalled when the Lumbar Puncture results indicated a bacterial meningitis" (pp 256-247 of book)

Once the Medical Records were under subpoena on the first day of the District Court Hearing it was revealed that this patient JY did in fact not have "bacterial meningitis" but a simple headache.

The MBQ had appeared to have invented the complaint.

Despite having the medical notes before them the MBQ continued to maintain their claim in relation to this complaint. (Medical Notes of patient JY- exhibit- pp251-262 of book)

In fact they disclosed this false information to the media on the first day of the hearing.

It is clear that the MBQ had intent to deceive and mislead whatever court heard the matter and the public.

My evidence before the District Court in relation to this patient and the issues thereof was as follows (pp298-302 of book-transcript)

Similarly the other complaints put forth against me in this notice were fictitious - all proven as false by the evidence and the facts which were accessible to the MBQ the entire time and were also in the court evidence.

The Medical Board went further and solicited trivial complaints against me 10 months after I had resigned from the Townsville Hospital (pp 244-245- evidence by Nurse Webber, Nurse Lawty and Dr Lucas)

The most bizarre of these was when Nurse Rachael Neill made a formal complaint 10 months after I had left the hospital about my handwriting - that my L looked like a C when I wrote an order down "Anginine S/L). DCJ Wall agreed that my L looked like an L and not a C. (transcript- cross examination- pp271 of the book).

Despite this, the MBQ failed to put such complaints into perspective when coming to their decision.

iii. The MBQ erred also in not removing the imposed psychiatric conditions. During the hearing the MBQ said that they have never claimed that I had a psychiatric disorder (District Court of Townsville-transcript), but were comfortable to impose 'psychiatric conditions' on my registration.

The evidence in relation to this issue that was before the MBQ when assessing my application in May of 2003 was as follows (pp137-139 of book).

iv. The Process used in determining this case by the MBQ was couched in administrative irregularities with inconsistencies and errors in the Board's process and procedures. It may therefore be stated as *ultra vires*. [Annexure of Ch. 1, of the book, pp74-77]

v. The MBQ knew or should have known this case required a Medical Tribunal to be convened and not heard just by a single judge sitting alone. By not referring the matter to the Medical Tribunal as the legislation required, the QMB was in error and such corrupted the process – failure of due process and natural justice, thus again, possibly rendering the matter *ultra vires*

3. Numerous solicitors and Counsel were employed throughout the convoluted proceedings in my quest to seek justice. Numerous amendments to the Medical Practitioners Registration Act 2001 (and other related Acts) had also taken place during the period 2001 – 2007 (and continuing till 2010 when

National Registration came into force)

4. Mr Mark Dreyfus, QC in his role as my Barrister then (in 2003-4), attempted to obstruct the case from reaching the courts. This is evident by his conduct in a complaint I made to the Victorian Bar Ethics Committee, [file No BAR/04/086-Victorian Bar Ethics Committee] which was also submitted as evidence before the Supreme Court proceedings available in Volume 17 of their documents. [Annexure 3]

Mr Dreyfus did not respond to the complaint but the Victorian Bar Ethics Committee (the Committee), which he was a part of responded. I received a letter signed by Debbie Jones (Investigative Officer of the Committee) where it was also stated, *inter alia*

"Mr Dreyfus is a former member of the Committee. He ceased to be a member at the time your letter of complaint against him was received" (pg 169 of the book)

To date, it remains unknown why Mr Dreyfus and team suddenly withdrew from the case at a crucial point after a 10 month employment.

5. In the QLD appellate jurisdiction, Mr Tony Morris, QC, did not argue, as instructed the primary malice and fraud allegations, and the procedural errors that were identifiable from the court evidence relating to the conduct of the Medical Board of Queensland. (Segment of Transcript of Supreme Court Hearing- pp 237-239 of the book) [Annexure 4].

6. The Supreme Court Judges then appeared to have erred in overlooking the alleged concealment of the issues by various parties. [Annexure 5]

7. In the High Court Application for leave to appeal, as I was disadvantaged and beleaguered and could not find legal representation I represented myself and submitted a document detailing all the errors in law made by the lower court judges. Leave to appeal was refused without any argument as to the legalities put forth. (As I was not legally represented, rule 41.10 was invoked with summary dismissal)

8. A recently independently investigated and published series of articles by David Donovan (who is legally qualified) of Independent Australia on my matter analyses and comments on my case. (Reference 1)

9. Of interest to this case, and also published by Independent Australia are the following articles: "Psychological False Imprisonment in Australia" (reference 2) illustrating the inhumanity of falsely imprisoning someone

psychologically and "A Springborg to Medical Administration Reform (reference3) illustrating violations to the rule of the law in other medical establishments - even in the UK.

10. Finally, it is my belief that in the public interest, this case deserves to be reviewed and resolved because of its departure from the rule of law and an alleged gross violation of my humanity and thus the Australian Constitution. Similar cases must never happen again.

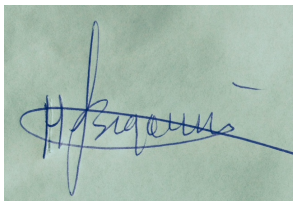
11. Specifically, I request your Honour to consider ordering an independent review in the general public interest, noting that the Health Ombudsman's Bill 2013 has passed its second reading on 20 Aug 2013, perhaps using its innovative guidance.

12. I would respectfully also request from your Honour to consider the issue that I had successfully and satisfactorily completed my Internship in Townsville.

Australia, as a young democratic monarchy, surely would espouse higher issues affecting human rights and placing them above that of administrative correctness, if there is such a term.

If your Honour's office or advisors need to contact me, please use this email: helentsigounis@gmail.com or my mobile in Greece +306948874205

Yours Sincerely,



Dr Helen Tsigounis

R**EFERENCES**

1. David Donovan, 2012 “Keeping the doctor away” Independent Australia 3 articles. [Part 3 has links to Parts 1 & 2]
http://www.independentaustralia.net/2012/life/health/keeping-the-doctor-away-part-3/

2. Dr Leong Ng, 2012, “Psychological False Imprisonment in Australia” Independent Australia
http://www.independentaustralia.net/2012/life/health/psychological-false-imprisonment-in-australia/

3. Dr Leong Ng, 2013 “A Springborg to Medical Administration Reform?” Independent Australia (Dr Helen Tsigounis v Medical Board of Queensland (MBQ) *http://www.independentaustralia.net/2013/life/health/a-springborg-to-medical-administration-reform/*

APPENDIX

1998- Internship in Victoria: alleged misfeasance disclosed recently to an ongoing Victorian Parliament Inquiry into the performance of the Australian Health Practitioner Regulation Agency

1999 I took and passed medical reciprocity examinations in Greece and obtained a full European Medical License with unconditional registration.

2000 – 2001: I worked as a Resident in Anaesthetics and in the Intensive Care Unit in Athens and left with good references and a certificate of good standing

2002-2003 Chronology of Registration History in Queensland (also as an Annexure of ch1 of the book, pp 74-77 of book)

Chronology of Court Cases
2004-2007
Appeal against the MBQ Decisions

The Appeal was organized by Mr Mark Dreyfus. QC, to be heard at the District Court of Townsville by Judge Clive Wall, sitting alone instead of a Tribunal. It may be, based on the Health Practitioners (Professional Standards Act) Act 199, Qld Division 4, subdivision 3 s (31) that DCJ Wall may have acted beyond his powers as he conducted the case sitting alone.

Therefore if there was a jurisdictional error the matter could be considered as void or voidable *ab-initio*

District Court of Townsville [Dr Helen Tsigounis v Medical Board of Queensland. D1136 of 2004] Self Represented

First part 23/8/2004-25/8/2004,
Second part 31/1/2005- 11/2/2005 (Wall DCJ, QDC 103)

Judgments of the District Court
Tsigounis v Medical Board of Queensland [2005] QDC 103 (11 May 2005)

Supreme Court of Queensland Hearing
Tsigounis v Medical Board of Queensland 2006 QCA 295 (2 &3 Aug 2006)

Supreme Court Judgment
Tsigounis v Medical Board of Queensland [2006] QCA295 (15 August 2006)
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High Court of Australia submission*

A 10-page document with 150 pages of attachments of evidence was filed with the High Court of Australia alleging judicial fraud, legal and judicial perversion to the course of justice and uncorrected errors of law. [Summarized in Annexures 6 & 7]

High Court of Australia Judgment
Tsigounis v Medical Board of Queensland (2007) HCA Trans 234 (24 May 2007)

ANNEXURES:

1. Public Interest Disclosure to Queensland Parliament, Aug 2013

2. Jo Barber, 29 May 2013: Private email to Dr Leong Ng

3. The complaint about Mr Dreyfus to the Victorian Bar Ethics Committee was also referred to during the District Court Hearing by DCJ Wall in relation to his withdrawal from the case at a crucial point.

   His Honour of the District Court refers to a proceeding on the 29/3/2004, before Judge White, where Mr Dreyfus organised the case to be listed and set down as a 5-day hearing at the District Court of Townsville (TX 235 L25)

   Counsel acting for the Medical Board also responded to this by stating, “there was plenty of correspondence between the parties as to whether 5

days would be adequate and we were reassured by Mr Dreyfus and his solicitors that it would be (TX 189 L40)

The Supreme Court Judges acknowledged the presence of this complaint before them. They stated in their judgment [par 61] "The appeal record contains material introduced by the applicant before this Court containing details of her complaint to the Victorian Bar Ethics Committee about the conduct of Mr. M Dreyfus, QC."

Further Mr Mark Dreyfus' conduct, based on the complaint that was before them, was referred by Supreme Court Justice Keane during the hearing as follows: "There seems to be a suggestion that Mr Dreyfus and perhaps his junior who had been acting in the matter had had their services dispensed with a week from the hearing"

The basis of the complaint to the Victorian Bar Ethics Committee was the late and sudden withdrawal of Mr Dreyfus from the case one-week before the hearing. The reasons were never formally disclosed.

4. Despite this, Mr T Morris, QC, when conducting the Supreme Court Hearing, identified and presented numerous errors of law, of utmost importance being bias by the primary Judge: a failure to apply an appropriate standard of proof to the evidence and the lack of natural justice resulting in an unfair trial. (Segments of Submission by Mr Morris to the Supreme Court: evidence quoted verbatim in pp 233-235 of the book and pp 317-320 and pp 294 of the book)

   Further During the Supreme Court Hearing, Mr Morris even concluded "It really does come across as a judge (DCJ Wall) who was eager to say anything against this Appellant (Dr Helen Tsigounis) that can be said, whether or not there was evidence for it or not"

5 The Supreme Court had erred, by their having been misled, participated in a sophisticated scheme to conceal issues and divert the focus on the matter, thus perverting the course of justice.

Firstly the Medical Board alleged malice and fraud issues that were available from the evidence before the Court (as in ch.7 of the book, pp 243-277)

The Supreme Court erred in ignoring this evidence and made findings that were contradicted by the court evidence. [69] C and D of Judgment. Tsigounis v MBQ [2006] 295 (15 August 2006)

Secondly the Supreme Court erred in not correcting the errors of law made by the District Court Judge, Mr C Wall, J (the Primary Judge) that

if he had done so may have led to a favorable outcome for me. Meaning that the entirety of the Medical Board's Decision, the subject of the appeal, was in error.

The alleged errors of law in relation to the Primary Judge's conduct of the case were as follows as also put before the High Court of Australia when seeking leave to appeal.

In particular were the following errors of law - that of "standard of proof" and the "unfair trial "

It was accepted by the District Court Judge that the Briginshaw standard needed to be applied because of serious consequences as stated below [Para 28 of Tsigounis v MBQ [2005] QDC]

CJ Wall ruled:

**Serious allegations of professional incompetence leveled against the Appellant*

**If resolved adversely to the Appellant they are to impact severely on her standing reputation, career and livelihood*

**No greater penalty could be suffered by a medical practitioner than de-registration which is the Medical Board's position and the subject of the appeal.*

**If the findings made by the Board stand, the appellant will find it extremely difficult if not impossible to obtain future employment as an intern and her registration as a medical practitioner in Greece would be at risk.*

DCJ Wall, then proceeded, without applying the Briginshaw standard to my case (thus an error of law that needed to be corrected) made findings such as unsatisfactory professional conduct, incompetence, negligence, lack of judgment and that my treatment of patients, placed them at serious risk.

The Supreme Court Judges dealt with the "Standard of Proof Issue" by stating that the standard of proof required in my case was not the Briginshaw standard, therefore Judge Wall made no error of law when he did not apply it to my case [Tsigounis v MBQ 2006 QCA 295 at paragraphs 75-79]

In concluding that the Briginshaw Standard did not apply, Keane J stated:

"the case did not involve a serious consequence, such as striking off a registered medical practitioner whose entitlement to practice has previously been established. Rather the case was concerned with whether the applicant had completed requirements necessary to be granted unconditionally" [Para 76-77 of Dr Helen Tsigounis v Medical Board of Queensland [2006] QCA 295 (15/8/2006)].

Long-standing principles that have consistently been applied to cases like mine were not applied in this case.

In fact it was demonstrable that DCJ Wall failed to apply any proper standard of proof to the evidence. (not even the Wednesbury standard)

In relation to the "unfair trial" issue the Supreme Court Judges concluded against my argument of lack of natural justice. (Par {56]-{68} Tsigounis v MBQ [2006] QCA 295 (15 August 2006)]

It is my opinion that the district Court Trial was unfair.
After being placed in a position to conduct the case myself by the Judge, I pleaded for an adjournment to obtain further legal representation. I said to the DCJ Wall on day 1 of the proceedings "but you have to understand my situation that I didn't know I'll be acting as solicitor and barrister today, and I certainly have not properly prepared and my solicitor has gone to try and find a new legal team."

DCJ Wall responded - " No I think we'll go as far as we can with the witness". I further expressed to the Judge "I have been lumped with doing the job of my solicitor, which, you know, is not appropriate because I didn't come here in order to act as solicitor and I have not prepared for it"(TX L15, day 1). My pleas fell on deaf ears. To an outsider, this is bullying.

On day 3, I again expressed to the Judge (TX 200, 25/8/2004) " Judge Wall, I haven't done this before and it was a bit of a surprise for me to represent my own case here in Townsville" where Judge Wall replied "I'd face the same difficulties if I were operating"

Further, The Judges appeared to use the Recency to practice issue to divert the focus of the Appeal. This was not a relevant issue and not the subject of the Appeal.

Diversion from the issues by the Supreme Court Judges occurred as in Ch. 9, pp324, and 325 of the book.

Two further errors of law were put before the High Court of Australia:

that being the Supreme Court Judges had erred in stating that the Briginshaw Standard of proof did not apply and secondly, they addressed the wrong issues. [Annexure 6]

6. Summary List of errors of law presented to Supreme Court Appeal,
1-2, Aug 2006

i. Failure by the primary Judge to apply the Briginshaw Standard of Proof to the evidence.

ii. Failure of the primary judge to apply even the civil standard of proof to the evidence.

iii. The primary judge was prejudicial towards the Applicant and his findings were tainted with bias.

iv. There was a denial of natural justice and procedural fairness resulting in an unfair trial.

v. The primary judge allowed inadmissible evidence before the court.

vi. The primary judge addressed the wrong issues.

vii. The primary judge acted beyond his powers when making a psychiatric diagnosis of the Applicant based on his observation of her while she conducted the case (personality defect).

viii. The primary judge erred in not determining breaches of statutory duty and procedural errors made by the MBQ.

ix. Failure of the primary judge to act on the alleged Medical Board Malice and Fraud issues that were revealed by the court evidence (The Root Cause)

Incidentally, the complaint I made to the Victorian Bar Ethics Committee also included the failure of Mr Dreyfus to have Judge Clive Wall disqualified from hearing this case as it was determined he knew a key witness- Dr Barry Hodges (Ch. 4. The Dreyfus Legal Team. Pp165)

7. A Summary List of Errors of Law as presented to the High Court of Australia

(*Comprehensive details in Submission to High Court in Case - Tsigounis

v Medical Board of Queensland (2007) HCA Trans 234 (24/5/2007)

i .Failure of the Supreme Court Judges to correct the above errors of law.

ii. A further error of law occurred where the Supreme Court Judges concluded that the Briginshaw standard was not applicable to this case

iii. The Supreme Court Judges further addressed the wrong issues

8. **A copy of my published book**, The Red Back Web with the relevant sections, accompanies this Submission.

It will be hand-delivered to your Honour's Office by Dr Russell Broadbent after the electronic submission of this communication.